

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

STEVEN JAY DUMAS,
Plaintiff,

No. 6:16-cv-1097-PK

OPINION AND ORDER

v.

NANCY A. BERRYHILL,
Acting Commissioner of Social Security,
Defendant.

MOSMAN, J.,

On September 13, 2017, Magistrate Paul Papak issued his Findings and Recommendation (“F&R”) [21] recommending that I reverse the Commissioner of Social Security’s (“Commissioner”) final decision that Plaintiff Steven Dumas (“Dumas”) is not disabled remanded this matter for immediate payment of disability insurance benefits. The Commissioner filed objections to the F&R on September 23, 2017, and Dumas filed his Response on October 9, 2017.

DISCUSSION

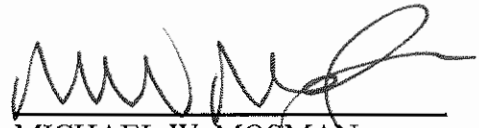
The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge, but retains responsibility for making the final determination. The court is generally required to make a de novo determination regarding those portions of the report or specified findings or

recommendations as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny with which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

Upon careful review, I agree with Papak's recommendations and ADOPT the F&R [21] as my own opinion. The Commissioner's determination that Dumas is not disabled is reversed and this matter is remanded for immediate payment of disability insurance benefits.

IT IS SO ORDERED.

DATED this 10 day of November, 2017.


MICHAEL W. MOSMAN
Chief United States District Judge